

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

STATE OF WASHINGTON,

Plaintiff,

v.

FRANCISCAN HEALTH SYSTEM d/b/a  
CHI FRANCISCAN HEALTH;  
FRANCISCAN MEDICAL GROUP; THE  
DOCTORS CLINIC, A PROFESSIONAL  
CORPORATION; and WESTSOUND  
ORTHOPAEDICS, P.S.,

Defendants.

No. 3:17-cv-05690-BHS

**STIPULATION TO EXTEND TIME  
BEYOND DISCOVERY CUTOFF TO  
RESOLVE DISPUTES RELATING  
TO NON-PARTY PREMIERA BLUE  
CROSS'S PRIVILEGE  
WITHHOLDINGS AND FOR NON-  
PARTY PREMIERA BLUE CROSS'S  
SUPPLEMENTAL SUBPOENA  
RESPONSE**

NOTE ON MOTION CALENDAR:  
October 12, 2018

Defendants Franciscan Health System and Franciscan Medical Group (collectively  
“Franciscan”) and The Doctors Clinic (“TDC”) and Plaintiff, the State of Washington (the  
“State”) stipulate and move the Court as follows:

That the fact discovery cutoff of October 12, 2018, be continued to October 26, 2018, for  
the limited purposes of (a) allowing the resolution of privilege disputes related to non-party  
Premera Blue Cross, and (b) allowing non-party Premera Blue Cross to respond to Franciscan’s  
supplemental subpoena served October 11, 2018.

Defendants and non-party Premera are cooperating in an attempt to narrow and resolve  
the two issues noted above to avoid the need for the Court’s intervention. The parties agree that

1 if disputes remain by October 26, 2018 with respect to documents produced or withheld by  
2 Premera on the basis of privilege or relating to Premera's response to Franciscan's supplemental  
3 subpoena, the parties will not raise timeliness objections to the filing of motions to compel  
4 production of these documents and/or to seek in camera review.

5 Dated: October 12, 2018

6 /s/ Herb Allen  
7 Herbert Allen (*pro hac vice*)  
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13 *Attorney for Defendant Franciscan Health*  
14 *Systems d/b/a CHI Franciscan Health, Franciscan*  
15 *Medical Group, and WestSound Orthopaedics, P.S.*

16 Dated: October 12, 2018

17 /s/ Doug Litvack  
18 Douglas Litvack (*pro hac vice*)  
19 Douglas C. Ross, WSBA No. 12811  
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26 *Attorney for Defendant The Doctors Clinic, a*  
27 *Professional Corporation*

28 Dated: October 12, 2018

29 /s/ \_\_\_\_\_  
30 Erica A. Koscher, WSBA No. 44281  
31 Stephen T. Fairchild, WSBA No. 41214  
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*Attorneys for the State of Washington*

**ORDER**

IT IS SO ORDERED

Dated:

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BENJAMIN H. SETTLE  
United States District Judge

1 DATED this 12<sup>th</sup> day of October, 2018.

2 Respectfully submitted,

3  
4 By: /s/ Doug Litvack  
5 Douglas Litvack (*pro hac vice*)  
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16 *Attorneys for Defendant The Doctors Clinic, a*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that a copy was mailed by United States Postal Service to the following non-CM/ECF participants:

N/A

DATED this 12th day of October, 2018.

By /s/ Doug Litvack  
Douglas Litvack (*pro hac vice*)